

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2012-205-C - ORDER NO. 2012-787
OCTOBER 24, 2012

IN RE: Application of Boomerang Wireless, LLC for)	ORDER DESIGNATING
Designation as an Eligible)	BOOMERANG WIRELESS,
Telecommunications Carrier)	LLC AS AN ELIGIBLE
)	TELECOMMUNICATIONS
)	CARRIER FOR THE
)	PROVISION OF LIFELINE
)	SERVICE

This matter comes before the Public Service Commission of South Carolina (the “Commission”) and concerns the above captioned May 16, 2012, Application of Boomerang Wireless, LLC (“Boomerang”) for Designation as an Eligible Telecommunications Carrier (“ETC”) in the State of South Carolina for the limited purpose of offering Lifeline service to qualified households (the “Application”).

For the reasons explained in this Order, the Commission has concluded that the Application should be approved and that designation of Boomerang as an ETC on the terms provided in this order would serve the public interest.

BACKGROUND

The present proposal to designate Boomerang as an ETC is presented to the Commission on the Application and the verified testimony of James T. Balvanz, the Chief Financial Officer of Boomerang Wireless, LLC. A Stipulation entered into between Boomerang and the Office of Regulatory Staff (“ORS”) was filed with the Commission on August 29, 2012.

The Applicant in this matter was represented by Bonnie D. Shealy, Esquire; the ORS was represented by Nanette S. Edwards, Esquire. As directed by the Commission, notice of the filing of the Application was published and timely proof of publication was provided. No petitions to intervene were filed in this matter. ORS is a party pursuant to statute.

The Stipulation recommends that Boomerang be designated as an ETC for the limited purpose of providing Lifeline service to qualified households in accordance with the terms of the Stipulation. The Stipulation has been filed in the record.

On August 29, 2012, Boomerang also filed a Motion to Waive Hearing and for Expedited Consideration, requesting that the Commission waive the hearing, admit all prefiled testimony and exhibits into the record, grant expedited consideration of the Application, and approve the Application. The Commission finds that the record before it is sufficient to allow a final determination in this matter and that the interests of judicial economy are served by waiving the hearing and granting expedited consideration.

ANALYSIS

Section 214(e)(2)(e) of the Telecommunications Act of 1996 (the “Act”) authorizes state commissions to designate common carriers that meet the requirements as ETCs.¹ Section 103-690 of the S.C. Code Ann. Regs. provides that the Commission will fulfill its responsibility to designate common carriers as ETCs and establishes the requirements that an applicant must meet in order to be designated an ETC.²

¹ 47 U.S.C. Section 214(e)(2).

² See S.C. Code Reg. Section 103-690C.

As demonstrated in the Application, the testimony, the Stipulation, and the company's Compliance Plan, Boomerang satisfies all the relevant requirements for designation as an ETC specified in Sections 254 and 214 of the Act and Section 103-690 of the S.C. Code Ann. Regs. Boomerang is (i) a common carrier as defined by 47 U.S.C. Section 153(10), (ii) offers all the supported services,³ (iii) uses its own facilities to provide the services, and (iv) offers service throughout its designated service area. Additionally, it has been demonstrated that following designation, Boomerang will (v) advertise the availability of its Universal Service offerings and charges through media of general distribution, specifically its Lifeline services throughout its ETC service area, and will provide notices at local unemployment, social security and welfare offices in satisfaction of S.C. Code Ann. Regs. Sections 103-690.1E(a)(1) and 103-690.1E(b)(1), (vi) make Lifeline service available to qualifying low-income consumers without requiring a service deposit in order to initiate Lifeline service if the consumer elects toll limitation services, will not charge such customer a monthly number portability charge, will verify annually that its Lifeline customers meet the qualifications, and will provide sixty (60) days notice to customers which it believes no longer qualify for Lifeline service,⁴ (vii) certify that it complies with the service requirements applicable to the support it receives, (viii) be able to remain functional in emergency situations,⁵ (ix) satisfy consumer protection and service quality standards which are set forth in the CTIA Consumer Code as described in the Application including annual certification of its compliance and reporting of consumer complaints in accordance with S.C. Code Ann.

³ 47 U.S.C. Section 254(c); 47 C.F.R. Section 54.101(a); and S.C. Code Reg. Section 103-690C(a).

⁴ See S.C. Code Ann. Regs. Section 103.690.1E(a)-(b).

⁵ S.C. Code Ann. Regs. Section 103-690(C)(a)(2).

Regs. Sections 103-690(C)(1)(a)(C)(3) and 103-690.1B(b)(4), (x) provide Lifeline local usage plans comparable to the incumbent local exchange carriers already operating in the area, (xi) comply with applicable reporting requirements including, but not limited to, annual progress reports required in S.C. Code Ann. Regs. Section 103-690.1, annual certification that it is able to remain functional in emergency situations required by S.C. Code Ann. Regs. Section 103-690.1B(b)(2) and annual outage reporting requirements of S.C. Code Ann. Regs. Section 103-690(B)(b)(2), and (xii) as explained below, take steps to limit fraud, waste and abuse in the federal universal fund programs.

On February 6, 2012, the FCC adopted comprehensive reforms to the low-income program to revise the Lifeline service requirements.⁶ In the Lifeline Reform Order, the FCC adopted specific reforms attempting to limit fraud, waste and abuse in the low-income program. Boomerang commits to compliance with the rules as they are applicable.

Section 103-690C(b) of the S.C. Code Ann. Regs. provides that, in determining whether an ETC designation is in the public interest, the Commission must consider, *inter alia*, the benefits of increased consumer choice and the unique advantages and disadvantages of the applicant's service offering.

Considering all factors, the Commission determines that it is in the public interest that the Commission grant Boomerang ETC designation for the limited purpose of providing Lifeline service.

⁶ *In the Matter of Lifeline and Link Up Reform and Modernization, Report and Order and Further Notice of Proposed Rulemaking*, WC Docket No. 11-42, FCC 12-11, released February 6, 2012. ("Lifeline Reform Order").

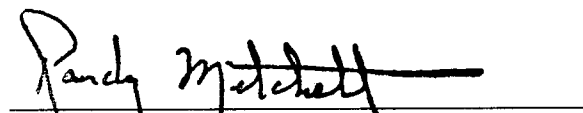
IT IS THEREFORE ORDERED THAT:

- I. The Testimony and Stipulation are accepted into the record without objection.
- II. The Applicant's Motion to Waive the Hearing and Expedite Consideration is granted.
- III. Boomerang Wireless, LLC is hereby designated as an ETC for the limited purpose of providing Lifeline service as requested in the Application on the terms provided in the Stipulation.

BY ORDER OF THE COMMISSION:


David A. Wright, Chairman

ATTEST:


Randy Mitchell, Vice Chairman
(SEAL)